

1 MEMORANDUM  
2 MONROE COUNTY PLANNING DEPARTMENT  
3

4 To: Development Review Committee  
5

6 From: Julianne Thomas, Planner  
7 Susan Blass, Biologist  
8

9 Date: July 10, 2006  
10

11 RE: *Northstar Resort Amendment to Major Conditional Use*  
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13  
14 I MEETING DATE: July 11, 2006  
15

16 II REQUEST:  
17

18 A. Proposal: Applicant is requesting an amendment to a major conditional use  
19 permit in order add one (1) affordable housing unit and forty-nine (49)  
20 transient units to the approved eighty-nine (89) transient unit resort hotel  
21 resulting in a 138 unit resort hotel. The applicant would also like to include  
22 non residential uses which include a restaurant, tiki bars, maintenance  
23 building and offices.  
24

25 B. Location:

- 26 1. Island & Mile Marker: Key Largo, Mile Marker 99.5  
27 2. Address/ Common address: N/A  
28 3. Legal Description: Refer to application  
29 4. RE Number (s): 00566430.000000, 00087940.000000,  
30 00087940.000100, 00087970.000100, 00088020.000000, 00088030.000000,  
31 00088040.000000, 00088060.000000, 00087950.000000  
32

33 C. Applicant:

- 34 1. Owner: Northstar Resort Enterprises Corp  
35 2. Agent: Craig Company  
36

37 III PROCESS:

38 Applicant is amending the major conditional use in order to increase the  
39 number of units in the resort and to add amenities to the property. This  
40 project will need to go to the Development Review Committee and the  
41 Planning Commission.  
42

43 IV PRIOR COUNTY ACTIONS:  
44

45 Resolution P47-03 was a resolution by the Monroe County Planning Commission  
46 approving a major conditional use permit to construct an eighty-nine (89) transient  
47 unit resort hotel and 8,158 ft<sup>2</sup> of amenities.

1  
2 Development Order #4-04 was a minor conditional use application establishing forty-  
3 seven (47) ROGO exemptions from the Northstar Resort site are eligible for  
4 transference.

5  
6 Development Order #5-04 was a minor conditional use application that received the  
7 forty-seven (47) ROGO exemptions from the Northstar Resort site at the Florida  
8 Keys RV Park.

9  
10 Resolution P55-03 was a resolution by the Monroe County Planning Commission  
11 approving the request filed by Northstar Resort to establish one hundred twenty-six  
12 (126) ROGO exemptions from the Florida Keys RV Park are eligible for transference.

13  
14 Resolution P56-03 was a resolution by the Monroe County Planning Commission  
15 approving the request filed by Northstar Resort to receive seventy-seven (77) ROGO  
16 exemptions from the Florida Keys RV Park at the Northstar Resort site.

17  
18 Development Order #17-96 established 1.5 TDRs

19 Development Order # 18-97 established 2.59 TDRs

20 Development Order #7-05 transferred 11.45 TDRs to the Northstar Resort site.

21  
22 **V BACKGROUND INFORMATION:**

23  
24 A. Size of Site: 11.67 acres

25 B. Land use District: Suburban Commercial (SC)

26 C. Future Land Use Designation: Mixed Use/Commercial (MC)

27 D. Tier Designation: Tier III

28 E. Existing Vegetation / Habitat:

29 The site is mostly disturbed. There is a small mangrove fringe on the  
30 northeast portion of RE 0087970.000100. There are numerous  
31 significant sized native trees on site especially on the northern  
32 portion.

33  
34 F. Community Character of Immediate Vicinity:

35 The community character of the immediate vicinity is a mix of  
36 commercial, residential and public uses.

37  
38 The property is bounded on the southwest by residences and a Florida  
39 Keys Aqueduct facility which face Thurmond Street. The property is  
40 bounded on the northeast by Woodward Way and a mix of  
41 commercial, residential and vacant commercial past Woodward Way.  
42 Across US 1 in the median is a mix of commercial uses, both high and  
43 medium intensity. The entire area is zoned Suburban Commercial  
44 (SC) between Thurmond Street and Woodward Way continuing north  
45 of Woodward, including the median.

1 VI REVIEW OF APPLICATION

2  
3 There are several issues of concern with this application.

- 4 1. The side yard setbacks are not being met. Monroe County Code (MCC) §9.5-  
5 281 provides setback standards. The SC land use district requires a 25 ft. front  
6 yard setback, and side yard setbacks of at least 5 ft. on one side and 10 ft. on  
7 the other for a total minimum side yard setback of 15 ft. The property  
8 bordering Woodward Way is considered a front yard setback. At no point  
9 along this border is the 25 ft. front yard setback met. Even if applicant were  
10 to submit a waiver and ask the planning commission to consider this front  
11 yard as a side yard, there are still portions of the parking lot which do not  
12 meet the required 5 ft. minimum side yard setback. There is one building that  
13 staff cannot determine whether the 5 ft. minimum side yard setback would be  
14 met. There are also eighteen (18) parking spaces in the setback.  
15

16 The other side of the property, opposite from Woodward Way also does not  
17 meet the required setback. The side yard setback at three (3) different points  
18 is smaller than the 10 ft. required setback. In addition, the 75 ft. which border  
19 Thurmond Street must contain a Class D bufferyard.

- 20 2. Another concern is the inclusion of a 4,920 ft<sup>2</sup> spa on the site plan. Under  
21 current regulations, the site is at maximum density and a spa can not be built.  
22 A spa is not being approved with this conditional use application as site is  
23 already at maximum density. Staff needs to know what will be on the site in  
24 the location designated for the future spa to ensure that the site will not be  
25 over density or conflict with any Land Development Regulations. The  
26 Landscape plan and Drainage plan also include the Spa. Staff requests that a  
27 Landscape plan and Drainage plan which will represent what can be permitted  
28 to be built be submitted.
- 29 3. The Screen Wall will have to meet the guidelines set forth in MCC §9.5-309.  
30 Currently, it does not. The maximum height for a fence along US-1 in the SC  
31 district pursuant to MCC §9.5-309(a)(4)b is six (6) feet. The portion of the  
32 screen wall North of the entrance on US-1 is eight (8) feet.
- 33 4. Staff would like to clarify that there is a difference between a Tiki Hut  
34 (designated as a Tiki) on the site plan, and a Tiki Bar (designated as Tiki Bar).  
35 There are eight (8) Tiki Huts included on the site plan, and two (2) future Tiki  
36 Bars are marked as future Tiki Bars. A Tiki Hut is a sunshade structure that  
37 provides for tropical atmosphere but will not be used for commercial purposes.  
38 A Tiki Bar is commercial in nature.
- 39 5. Staff needs clarification as to what the two (2) structures which appear to be  
40 the same size at the Tiki Huts and Bar near the main pool labeled "Spa"  
41 actually are and what the size and use of the structures will be.
- 42 6. Height elevations are not marked on the submitted plans. The restaurant  
43 appears to 24 ft. high. Building B2 appears to be 32 ft. high.
- 44 7. Staff is unable to determine if the floor plan for the affordable housing unit  
45 complies with affordable housing regulations. Staff is unable to make this

determination because the measurements provided for the rooms and unit are not consistent.

For example, the width of bedrooms 1 and 2 is given as 11'0" and the depth provided is 10'8". The depth measurement line, however, gives a depth of 10'10". The width of the dining room appears to be greater than the 6'10" width provided. Measurements are not provided for the bathroom off of bedroom 3.

8. Submitted plans do not match with descriptions or Master Site Plan. For example, Buildings A2 and A3 have the same floor plans. Buildings A2 and A3 have different dimensions, and cannot share the same floor plans or elevation drawings. As submitted, only 126 units are represented rather than the 138 proposed by the applicant.
9. The Landscape Plan includes three (3) Tiki Bars whereas the Master Site Plan only includes two (2).
10. In order to transfer forty-nine (49) units, a separate transfer of ROGO exemptions application must be filed. This must be filed prior to the issuance of a Planning Commission resolution.
11. Staff is not going to modify any standard or requirement for the Northstar Affordable Housing site located at mile marker 106 at the former Florida Keys RV Park. This affordable housing project was submitted under a separate application and is not the application being reviewed by this report. Staff does not believe it is appropriate to modify Minor Conditional Use Development Order #5-04 to allow TRE receiver units to be a mix of attached and detached affordable housing units without providing specific standards and numbers of units. The condition that the receiver units be attached units is in the current LDRs, and should not be waived casually. Staff is not opposed to a mixture of attached and unattached affordable housing units but believes that a rationale and a specific proposal as to the exact number of attached and detached units needs to be proffered and approved, even if only on a conceptual level to avoid incurring costs for site plans. Staff notes that there are currently 62 units proposed for the affordable housing site. The fifteen (15) affordable housing allocations that will be sought in addition to the existing forty-seven (47) could be designated as detached dwelling units.
12. Staff also notes that the Cullen parcel must be platted prior to construction, and recommends that applicant proffer application for preliminary plat approval as soon as possible. Staff notes further that applicant as not yet provided proof of ownership for this parcel.
13. The Traffic Study approves of the increase of transient units of forty-nine (49) units on the resort site with the condition that the affordable housing site contain no more than sixty-three (63) affordable housing units and thirteen (13) market rate units. The County Traffic Consultant has not approved this traffic report, and may require additional information and studies in order to approve project.

- 1 14. Pursuant to MCC Section 9.5-349(b) Along unaltered and unlawfully altered  
2 shorelines principal structures shall be setback fifty (50) feet. Along open water  
3 altered shorelines a setback of thirty (30) feet as measured from the mean high  
4 water line (MHW) or the landward extent of the mangroves, whichever is  
5 further landward is allowed provided existing or planted native vegetation in  
6 a ten (10) ft width is maintained and placed under a grant of conservation  
7 easement, if not then a fifty (50) ft setback applies.
- 8 15. Pursuant to MCC Section 9.5-349 (c) Accessory structures as defined in section  
9 9.5-4(A-2), within the shoreline setback shall be constructed at a foundation  
10 height not to exceed eighteen (18) inches above existing grade. Accessory  
11 structures other than docks and erosion control structures, shall be setback  
12 twenty-five (25) feet from the unaltered shoreline and fifteen (15) feet from  
13 open water altered shorelines, with a ten (10) ft deep native/mangrove fringe  
14 (along shoreline), as measured from the MHW or the landward extent of the  
15 mangroves, whichever is further landward. Total combined areas of all  
16 structures, (principal and accessory) shall not occupy more than thirty (30)  
17 percent of the shoreline setback area.
- 18 16. Pursuant to MCC Section 9.5-348 (d)(1) Environmental design criteria for  
19 specific habitat types. Mangroves, wetlands, and submerged lands, only docks,  
20 water access walkways, water observation platforms are generally permitted  
21 and require approvals by the Florida Department of Environmental  
22 Protection and the U.S. Army Corps of Engineers prior to the issuance of a  
23 county permit. These restrictions shall not apply to disturbed wetlands that  
24 have been lawfully converted into uplands through filling  
25

26 This is a conditional use. The standard for review is Section 9.5-65.

27 A. Consistent with the purposes, goals, objectives and standards of the  
28 comprehensive plan and the land development regulations.

29 1. Purpose of the Land Use and Future Land Use Districts:

30 The purpose of the Suburban Commercial land use district is to  
31 establish areas for commercial use designed and intended to  
32 primarily serve the needs of the immediate planning area in which  
33 they are located.  
34

35 As proposed, this is a gated resort hotel facility and restricted to  
36 visitors of the hotel. As such, it is not a commercial use designed  
37 and intended to serve the needs of Key Largo residents. If the  
38 facility was not gated, and if the public was welcome to enter the  
39 facility to patronize the restaurant, this development would be  
40 more consistent with the purposes, goals, and objectives of the  
41 Suburban Commercial land use district.  
42

43 2. Specific Goals and Objectives of the Plan:

44 Pursuant to **Goal 102**, Monroe County shall direct future growth to  
45 lands which are intrinsically most suitable for development and

1 shall encourage conservation and protection of environmentally  
2 sensitive lands.

3  
4 The land being used for this project is cleared and suitable for  
5 redevelopment as a transient lodging facility with a restaurant.

6  
7 Pursuant to **Goal 601**, Monroe County shall adopt programs and  
8 policies to facilitate access by all current and future residents to  
9 adequate and affordable housing that is safe, decent, and  
10 structurally sound and that meets the needs of the population based  
11 on type, tenure characteristics, unit size and individual preferences.

12  
13 Original approval of this project included the condition that twenty  
14 (20) affordable housing units would be built. In addition, the resort  
15 has added a three (3) bedroom affordable housing unit on the resort  
16 site. Staff will ensure that these units are safe, decent and  
17 structurally sound in addition to meeting the needs of the very low  
18 to median income citizens of Key Largo.

19 B. Consistent with the community character of the immediate vicinity.

20 The community character of Key Largo will be defined by the  
21 Liveable CommuniKeys Project pursuant to Monroe County  
22 Comprehensive Plan Objective 101.20.1 and specifically the Key  
23 Largo Liveable CommuniKeys Plan. This plan has not yet been  
24 adopted, however, staff believes that the architecture and  
25 landscaping of the project keep are within possible architectural  
26 guidelines, and will maintain or improve the character in the  
27 immediate vicinity of the project location.

28 C. Minimizes adverse effects on adjacent properties.

29 The applicant has provided a fence and bufferyards to minimize  
30 adverse effects on adjacent properties. In addition, correcting the  
31 setbacks to minimum specifications will help to minimize adverse  
32 effects.

33 D. No adverse impact on the value of surrounding properties.

34 Staff has no empirical evidence that this project will have an  
35 adverse impact on the value of surrounding properties.

36 E. Adequate public facilities and services:

- 37 1. Roads: Planning Commission Resolution P47-03 requires that  
38 vehicular traffic associated with the Northstar Hotel utilizing  
39 Thurmond Street shall be restricted to automobiles and there shall  
40 be no commercial deliveries, tractor trailer or bus usage of  
41 Thurmond Street. The plan does not show an accessway from  
42 Thurmond Street.

- 43  
44 2. Letters of Coordination have been requested from appropriate  
45 agencies.

- F. Applicant is financially able to complete the project.  
Staff has no evidence that applicant does not have the financial resources to complete this project.
- G. Archaeological, historical, or cultural impact:  
The applicant must submit a review of historical and archeological sites by the Florida Division of Archives, History and Records Management.
- H. Preservation of public access to public beaches or other waterfront areas:  
This is and has been private property which is not required to provide public access to public beaches or other waterfront areas. However, if the gate was removed and the public allowed to patronize the restaurant, this would increase public use and access to the waterfront and compliment the Key Largo CommuniKeys Plan.
- I. The Application Complies with the following standards.

1. Density:

The site plan delineates that there are several types of buildings. The number and types of residential building are listed below:

**Building**

2 story maintenance building with affordable unit on 2 <sup>nd</sup> floor	1	1 unit	
Building A1	4	6 units	24
Building A2	1	5 units	5
Building A3	2	6 units	12
Building A4	1	9 units	9
Building B1	9	6 units	54
Building B2	2	5 units	10
Building B3	3	4 units	12

The site is at maximum density.

	Site Size	Allocated Density Factor	Allocated Density	Open Space Ratio	Buildable Area in acres	Max Net Density Factor	Max Net Density	Proposed	%
Hotel Units	11.67	10	117	0.2	9.336	15	140.04	138	98.5%
Employee	11.67	3	35	0.2	9.336	15	140.04	1	0.7%
	Site Size	Converted to SF	FAR	Max Allowed FAR					
Commercial Floor Area	11.67	508345.2	0.25	127086.3				4,910.0	
Commercial Floor Area	11.67	508345.2	0.25	127086.3	Minus 4,000 ft <sup>2</sup> per Sec. 9.5-266(b)			910	0.7%
								<b>TOTAL</b>	<b>100%</b>

2. Pursuant MCC 9.5-362 landscaping standards, a Class "A" parking lot landscaping is required.

For every twenty-four (24) parking spaces, 1,500 sq. ft. of planting area is required with 5 canopy, 1 understory, and 12 shrubs. Planting areas less than three (3) feet in width or more than five (5) feet away from the parking area or

under any roofline are ineligible, all landscaping installation criterion apply. Applicant indicates 16,000 SF of parking lot landscape will be provided, this meets the requirement of 13,062.5 SF with an excess of 2,937.5 SF. Measurements are required on the site plan to determine the exact proposed amount of area that qualifies for parking lot landscape. Staff suggests applicant to increase the width of all landscape islands in parking lot to a minimum of three (3) feet, (18' X 3') in order to gain additional qualified landscape area. Applicant has indicated 52 canopy trees and is compliant. Applicant indicates 10 understory trees and 118 shrubs will be provided in the parking lot landscape.

# Spaces	Landscape area	Canopy	Understory	Shrubs
209	13,062.5 SF	44	9	105

Applicant claims that Planning Commission has directed parking to be reduced because the general public will not have access to the site. Staff is unable to find support for the claim, and is seeking to allow general public access to the site.

J. Compliance cannot be determined for the following standards.

1. Environmental performance standards, Section 9.5-335 - 336 and 9.5-344 through 9.5-346

The entire parcel is classified as disturbed in the existing conditions map No. 274. However, there are numerous native trees of significant size located throughout the site especially on the Northern portion. Pursuant to section 9.5-345(f)(3) Clustering, development shall be clustered within the least ecologically valuable area of each habitat as determined by the county biologist. Pursuant to Section 9.5-346, Mitigation Standards and County Environmental Land Management and Restoration Fund, the removal of any rare, endangered, species of special concern or any regionally important native plant species and all native trees with a diameter at breast height (DBH) of greater than four (4) inches shall require payment to the County Environmental Land Management and Restoration Fund in an amount sufficient to replace each removed plant or tree on a two to one (2:1) basis. Per site visit on March 6, 2006 the amount of trees on site that meet this criteria necessitates an environmental consultant to perform a mapped vegetation survey with a mitigation plan indicating all applicable vegetation to be removed. All invasive exotic species identified in Section 9.5-364(g) must be removed from the property prior to issuance of a certificate of occupancy.

2. Open Space and Environmental Open Space, Sections 9.5-262 and 340

The required open space ratio is .20 for a disturbed lot. Before a building permit is issued, a vegetation survey in the scarified



portion of the lot must be submitted along with a mitigation plan for the entire property.

Pursuant to MCC § 9.5-347 No land shall be developed used or occupied such that the amount of open space on the parcel proposed for development is less than the open space ratio listed for each habitat. Mangroves have a 100% open space requirement, and disturbed area has a 20% open space requirement. Required open space shall be maintained pursuant to the most restrictive design criteria for each habitat.

The property is a Tier III Infill Area according to page 134 of the proposed Tier System maps. The maximum clearing allowance on Tier III infill lands is currently 40% of the site. It must be noted, however, that the Tier System is a proposed system and the proposed development is not subject to the Tier System at this time.

3. Pursuant to MCC Section 9.5-375 - 378, a Class “C” major street buffer is required.

The proposed development provides a Class “C” buffer which is twenty (20) feet deep along the US1 portion of the property zoned Suburban Commercial.

The Class “C” bufferyard standards for every one hundred (100) linear feet ranges from ten (10) to twenty five (25) feet in width. The plans show approximately one thousand and seventy-five (1,075) linear feet of property facing the road that must comply with the buffeyard standards. The requirements for the twenty (20) feet width is forty-three (43) canopy, seventeen (17) understory, and one hundred seventy-two (172) shrubs. The applicant’s proposal meets these standards. A total of 232 plants are required and seventy (70) percent must be native plant material.

	Canopy	Understory	Shrubs
20 FT Buffer Required:	43	17	172
Provided:	43	17	172

Total Plant Material Required: 232 Plants  
Seventy (70) Percent Required Native Material: 162 Plants  
Thirty (30) Percent may be Non-Native Material: 70 Plants

4. Pursuant to MCC section 9.5-364, the following installation criteria apply to all required landscape.

All plant material shall be mulched to a depth of three (3) inches, mulch should be pulled back from stems approximately one (1) inch to prevent trunk from rotting. Seventy (70) percent of the

landscape material must be native plant material. Non-native plants may be used to satisfy the remainder thirty (30) percent of the plant material. Native and exotic (non-native) plant material is shown in MCC section 9.5-367. Canopy trees shall be a minimum of twelve (12) feet in height, understory trees at a minimum of five (5) ft in height and shrubs shall be a minimum of three (3) feet in height.

If Palms are used the height is measured from the trunk not the frond length. All landscaping areas are to be covered with mulch or ground covers.

5. Surface Water Management, Section 9.5-293

All surface water will be managed on-site, retained with swales or approved drainage, drainage calculations must be shown on the plans. A storm-water management plan has been provided with the submitted plans. This project will be reviewed by the County Engineering Department for compliance. The plan must be reviewed and approved by the South Florida Water Management District.

6. Wastewater Treatment Criteria, Section 9.5-294

The proposed on-site waste treatment system must be approved by the Department of Health and shall comply with the minimum requirements of Chapter 10D-6, Florida Administrative Code.

7. Filling Man Made Waterbodies Section 9.5-348

Pursuant to MCC Section 9.5-348 (d)(4b) A man made excavated water body such as a canal, boat ramp or swimming pool can be filled if the County Biologist determines that such filling will not have a significant adverse impact on marine or wetland communities. All such projects shall require approval by the Florida Department of Environmental Protection and U.S. Army Corps of Engineers prior to a county building permit. Placement of fill within disturbed wetlands is subject to environmental design clustering criteria, (9.5-345(f)). Less sensitive habitats on the subject parcel must be developed before disturbed wetlands are filled (9.5-348 (d)(6)(b)). Any portion of a wetland filled under these provisions shall be considered "disturbed" habitat with a required open space ratio of twenty percent (20%). In the event that State and or Federal permits restrict fill to the development area only, this provision will not apply (9.5-348 (d)(6)(c)). Any development so filled shall conform to the setbacks established by DEP and ACOE permits

1 8. Pump out Station. Comp Plan Objective 205.5

2 Pursuant to Policy 205.5.2, the applicant is required to provide a  
3 plan for retrofitting existing marina facilities; having ten (10) or  
4 more slips (wet or dry) or at which a live-aboard vessel is docked, to  
5 include an on-site pump-out station and sewerage treatment.  
6

7 9. Outdoor lighting. Section 9.5-391

8 The applicant's proposal does not state on the submitted plans that  
9 the project shall be in compliance with the requirements of Section  
10 9.5-391 to 9.5-395  
11

12 10. Lawful Establishment. Section 9.5-120.4, 9.5-124.3

13 Eighty-nine (89) transient units have been established to lawfully  
14 exist on the site. The remaining forty-nine (49) transient units and  
15 one (1) affordable residential unit have not yet been established  
16 onsite. A moratorium currently exists on creating new transient  
17 units in Monroe County pursuant to Section 9.5-120.5 and in order  
18 to proceed with development the applicant is required to prove that  
19 the existing units were lawfully-established units pursuant to  
20 Section 9.5-120.4, 9.5-124.3 and Administrative Interpretation No:  
21 03-108 or transfer the forty-nine (49) transient units from an  
22 established sender site.  
23

24 Staff notes that there is also one permanent residential unit on the  
25 site aside from the three (3) ROGO exemptions established on the  
26 Cullen parcel.  
27

28 Staff reminds applicant that 9,210 ft<sup>2</sup> of non-residential floor area  
29 has been established on the site. The only areas which will require  
30 non-residential floor area allocation are those areas where  
31 commercial activity in addition to the rental/sale/upkeep of a  
32 condominium hotel occur. In this case, the only area currently  
33 scheduled to be built which meets this criteria is the Restaurant. As  
34 the restaurant is only 4,910.2 ft<sup>2</sup>, this leaves 4,339.8 ft<sup>2</sup> on the site.  
35

36 K. The Application is not in compliance with the following standards.

37 1. Pursuant to MCC section 9.5-377, district boundary buffers.

38 On the South side of the property there is a seventy-five (75) foot  
39 portion of the property along Thurmond Street, that will required  
40 an Adjoining District Boundary Buffer Class "D" for the adjoining  
41 Land use districts Suburban Commercial and Suburban Residential.  
42 The Class "D" bufferyard standards for every one hundred (100)  
43 linear feet ranges from twenty (20) to thirty- five (35) feet in width.  
44 The plant materials required per 100 linear feet for a class "D"  
45 Adjoining District Boundary Buffer is as follows:

**Comment:** Make the justification match # 1 by moving all the text over aligned under the # or just make # 1 match the rest of this section.

<u>Buffer Width</u>	<u>Canopy</u>	<u>Understory</u>	<u>Shrubs</u>
20 FT:	6.6	3.3	28
25 FT:	6	3	24
30 FT	5.4	2.7	22
35 FT	4.8	2.4	19

Applicant needs to provide plans indicating a District Boundary Buffer at one of the required widths.

2. Parking, 9.5-352

Parking for the site does not meet standards set forth in 9.5-352.

The following list details the required parking spaces:

Transient Units – 138 @ 1/ unit =	138
1 Affordable Unit @ 2/ unit =	2
Restaurant 4,910 @ 14/1,000 s.f. =	69
Total	209
Provided	182
Difference	- 27 spaces or -13%

This difference does fall within the percentage which the Planning Director or Planning Commission can waive pursuant to §9.5-352(e)(5).

3. Transfer of Development Rights

Allocated density for the site is 117 units. Maximum net density is 140 units. Ninety-eight and one-half (98.5%) of the land is being used for transient units. Ninety-eight and one-half (98.5%) of 117 units is 115 units. 138 units are proposed which means that 23 TDRs are required. Eleven and forty-five one hundredths (11.45) TDRs have been transferred to the site. This means that Eleven and fifty-five one hundredths (11.55) TDRs must be obtained for the Northstar Resort site prior to issuance of any building permit.

L. Previous Authorized Conditional Use Conditions to be retained

1. Planning Commission Resolution P47-03, condition 15, requires that for every square foot of parking lot area that is waived a correlating square foot of open space must be created in excess of the required 20% and remain as open space via a Grant of Conservation Easement (GOCEA).

For example, if 27 parking spaces are waived, and each parking space is 153 ft<sup>2</sup>, then a total of 4,131 ft<sup>2</sup> will need to be created in excess of the required 20% open space and be put under a Grant of Conservation Easement.

2. Planning Commission Resolution P47-03, condition 16, requires that one of the two existing boat ramps shall be removed leaving one boat ramp for patron use.
3. Planning Commission Resolution P47-03 requires that the applicant's proposal may only include one non-electrified, but lighted, sign shall be placed in the property's frontage on US 1 to indicate the location of Northstar Resort.
4. Planning Commission Resolution P47-03 requires that the existing docking facility will remain at sixteen (16) slips with two slips being appropriated for the hotel's sunset cruise boat and charter boat while the remaining fourteen (14) slips will be for patron use only. The applicant plan does not clearly state this.

All slips must have a minimum of 4-feet water depth at mean low water (MLW) and permits from the Florida Department of Environmental Protection and Army Corps of Engineers shall be obtained prior to issuance of a county permit. Pursuant to MCC Policy 202.5.2 existing marinas making application for site improvements are required to provide a plan for retrofitting existing facilities to include an on-site pump-out station and sewerage treatment.

The dock support building is a non-conforming structure in the shoreline setback. Pursuant to Section 9.5-349 (o) (1) Special approval for structures serving commercial uses, public uses, or more than three (3) dwelling units, the Director of Planning may recommend a waiver and the Planning Commission may approve deviations. If approved a water quality monitoring program for a period of five (5) years after the completion of development may be required

## VII RECOMMENDATION

Staff makes a recommendation of approval of the addition of forty-nine (49) transient units for a total of 138 transient residential units, one (1) affordable housing unit, and a 4,910 ft<sup>2</sup> restaurant to the Planning Commission with the following conditions:

1. Applicant must submit proof of ownership for Cullen parcel including exact acreage owned. This must be submitted prior to issuance of a Planning Commission Resolution.

2. Applicant submit revised site plans by July 17, 2006<sup>1</sup> which will include the following modifications:
  - a. Side yard setbacks of at least 5 ft. on one side and 10 ft. on the other.
  - b. Removal of the possible future Spa to show what is proposed for the site
  - c. A Screen Wall no higher than 6 ft. at any point
  - d. Accurately scaled drawings that show the actual size of the rooms of the affordable housing unit.
  - e. Floor plans for individual buildings which match the size of buildings and number of units as shown on the application and the Master Site Plan.
  - f. Identification of the area to be placed under conservation easement if the parking requirement is reduced by the Planning Director or Planning Commission
  - g. Class D buffer along the 75' portion which borders Thurmond Street
3. Applicant must submit revised stormwater and landscape plans that do not show the possible future Spa and include the Class D buffer along Thurmond Street by July 17, 2006.
4. Clarification of the size and use of two (2) structures near the main pool labeled "Spa".
5. Prior to application for a building permit for the dock extension, slip reconfiguration, and boat ramp removal, the applicant shall provide additional permits from the Florida Department of Environmental Protection and the Army Corps of Engineers.
6. Staff requests that applicant submit the following applications as soon as possible. A Planning Commission Resolution can not be issued until these applications are received and resolved:
  - a. Front yard variance on Woodward Way from 25 ft. to 5 ft.
  - b. Transfer of ROGO exemptions from the Florida Keys RV site to the Northstar Resort site
  - c. Preliminary Plat Approval for the Cullen parcel
  - d. Parking waiver from Planning Director
7. Staff recommends retaining the condition that all 47 of the TREs on the affordable housing site remain as attached units per the LDRs until and unless applicant provides rationale to waive requirement and specific numbers for types and sizes of affordable units.

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<sup>1</sup> Staff MUST have these by July 17, 2006 in order to meet the report deadline for the Planning Commission of July 19, 2006 for the meeting on July 26, 2006. If revised site plans are not received, Staff reminds applicant to request to continue this item in writing. If revised plans are received by September 8, 2006, this item can be heard at the September 27, 2006 Planning Commission meeting.

## VIII PLANS REVIEWED

Sheet #	Title	By	Date
A-1	Master Site Plan	Robert Barnes	6/20/06
A-2 - 5	Partial Site Plans	Robert Barnes	6/20/06
A-6	Reception & Office Floor Plan	Robert Barnes	1/10/06
A-7 – 8	Reception & Office Elevations	Robert Barnes	1/10/06
A-9	Restaurant & Lounge Floor Plan	Robert Barnes	6/20/06
A-10 - 11	Restaurant Elevations	Robert Barnes	6/20/06
A-13	Maintenance First Floor Plan	Robert Barnes	6/20/06
A-14	Maintenance Affordable housing –Second Floor	Robert Barnes	6/20/06
A-15	Maintenance Affordable housing –Elevations	Robert Barnes	6/20/06
A-16	Building A4 first floor	Robert Barnes	6/20/06
A-17	Building A4 second floor	Robert Barnes	1/10/06
A-18	Building A4 third floor	Robert Barnes	6/20/06
A-19	Building B2 first floor	Robert Barnes	1/10/06
A-20	Building B2 second floor	Robert Barnes	1/10/06
A-21	Building B2 Elevations	Robert Barnes	1/10/06
A-22	Building B1 first floor	Robert Barnes	1/10/06
A-23	Building B1 second floor	Robert Barnes	1/10/06
A-24	Building B1 Elevations	Robert Barnes	1/10/06
A-25	Building B3 first floor	Robert Barnes	1/10/06
A-26	Building B3 second floor	Robert Barnes	1/10/06
A-27	Building B3 Elevations	Robert Barnes	1/10/06
A-28	Buildings A1-3 first floor	Robert Barnes	1/10/06
A-29	Buildings A1-3 second floor	Robert Barnes	1/10/06
A-30	Buildings A1-3 third floor	Robert Barnes	1/10/06
A-31	Buildings A1-3 Elevations	Robert Barnes	1/10/06
A-32	Buildings A1-3 Elevations	Robert Barnes	1/10/06
	Field Survey, drawing #22557h-3	Barrow Surveying & Mapping	9-21-01
	Field Survey, drawing #24937 Pugliese Parcel	Barrow Surveying & Mapping	
	Field Survey, drawing 4601 – Cullen Parcel	Task Surveyors	